

Notice of Allowability

Application No.

09/995,195

Examiner

Daniel Swerdlow

Applicant(s)

GRAEF ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 27 November 2001.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/29/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stephen B. Ackerman, reg. no. 37,761 on 18 November 2004.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In Fig. 1, change the reference number of the switch connected between the lower input of amplifier 2 and switches 14 from "13" to --18--. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance:

4. Regarding Claim 1, Bardl et al. (US Patent 4,251,694) discloses a circuit that uses the same loudspeaker (Fig., reference LS; column 4, lines 10-23) for both the ringing and speech signals. Bardl further discloses a mirrored bridge amplifier configuration to provide amplified speech signals to the loudspeaker (Fig., reference BD; column 4, lines 4-6). US Patent 4,658,419 to Denen discloses a mirrored bridge amplifier configuration (Fig. 1, reference 200, 202; column 9, lines 26-32) driven by identical pulses. Denen further discloses a volume control (Fig. 1, reference 224; column 10, lines 14-19). US Patent 4,254,380 to Guillien discloses a bridge amplifier using identical inverting voltage amplifiers (Fig., reference 12, 14) with inputs coupled to a reference voltage (column 1, lines 65-68) to drive a loudspeaker (column 2, lines 21-22). While "there can be no invention in merely providing means to 'selectively' alternate between

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one unpatentable configuration of elements and another unpatentable configuration of old elements, where there is no new or different function" (see *Duplan Corp. v. Deering Milliken, Inc.* 444 F. Supp. 648 (D.S.C. 1977)), in this case, the recitation of the structure: "a configuration of switches in a mirrored bridge configuration to activate the circuit either in the ringer mode or in the audio mode" is not anticipated or fairly suggested by the prior art. As such, Claim 1 is allowable.

5. Regarding Claim 2, Bardl discloses a mirrored bridge amplifier configuration to provide amplified speech signals to the loudspeaker (Fig., reference BD; column 4, lines 4-6). Guillien discloses a bridge amplifier using identical inverting voltage amplifiers (Fig., reference 12, 14) with inputs coupled to a reference voltage (column 1, lines 65-68) to drive a loudspeaker (column 2, lines 21-22). Denen discloses a volume control (Fig. 1, reference 224; column 10, lines 14-19) for a telephone transducer. However, the volume control disclosed by Denen does not comprise "two identical series of switches and correspondent resistors in a mirrored bridge configuration ... wherein one of said switches in each series in the same mirrored position is closed to define the output voltage desired through the chain of resistors between the closed switch and the loudspeaker". As such, the prior art fails to anticipate or fairly suggest the details of the volume control as claimed.

6. Claim 3 is allowable due to dependence from Claim 2.

7. Regarding Claim 4, Denen discloses a mirrored bridge amplifier configuration (Fig. 1, reference 200, 202; column 9, lines 26-32) driven by identical pulses to produce ringing in a telephone transducer. Guillien discloses a bridge amplifier using identical inverting voltage amplifiers (Fig., reference 12, 14) with inputs coupled to a reference voltage (column 1, lines 65-

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68) to drive a loudspeaker (column 2, lines 21-22). Denen further discloses a volume control (Fig. 1, reference 224; column 10, lines 14-19) for a telephone transducer. However, the volume control disclosed by Denen does not comprise "two identical series of switches and correspondent resistors in a mirrored bridge configuration ... wherein one of said switches in each series in the same mirrored position is closed to define the output voltage desired through the chain of resistors between the closed switch and the loudspeaker". As such, the prior art fails to anticipate or fairly suggest the details of the volume control as claimed.

8. Claim 5 is allowable due to dependence from Claim 4.

9. Claim 6 comprehends all elements of Claim 1 and is allowable for the reasons stated above apropos of Claim 1.

10. Claim 7 is allowable due to dependence from Claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER